

August 30, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**BY: _____ **JU**
DEPUTYTRACY HACKWORTH,
Plaintiff,

v.

LOWE'S COMPANIES, INC.,
Defendant,§
§
§
§
§
§
§

CIVIL ACTION NO. SA-21-CV-669-OLG

ADVISORY

The Court recused itself in this case on August 19, 2021 following a review of the stocks and mutual funds which the Court owns or has a financial interest. Upon discovering that the Court had a financial interest in defendant's company in a sum not greater than \$10,000.00, the Court recused pursuant to the Code of Conduct for U.S. Judges.

Canon 3B(c) provides in part that a judge should recuse in a case where the Court "has a financial interest in the subject matter in controversy or is a party to the proceeding."

However, upon further review and study after August 19, 2021, the Court learned of the Committee of Codes of Conduct Advisory number 69 which provides in part.

"Notwithstanding the preceding provisions of this Canon, if a judge to whom a matter has been assigned would be disqualified because of a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the judge (or the judge's spouse or minor child) divests the interest that provided the grounds for the disqualification."

On August 23, 2021, the Court sold or divested all interest in defendant's company and informed the Clerk of Court to return the case to the Court.

Notwithstanding this advisory, should either party wish for this case to be transferred to another Judge, the Court shall transfer the case. Please advise the Clerk of Court no later than Tuesday, September 7, 2021.

SIGNED this the 30th day of August 2021.



ORLANDO L. GARCIA
Chief United States District Judge